

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

FILED
U.S. DISTRICT COURT
STATESBORO DIV.

2006 APR 11 AM 8:43

DEXTER SHAW,

Plaintiff,

vs.

TRELLIS DODSON; ABBIGAIL
COWART; and HUGH SMITH,
Warden,

Defendants.

CIVIL ACTION NO.: CV604-122

CLERK *RW*
SO. DIST. OF GA.

ORDER

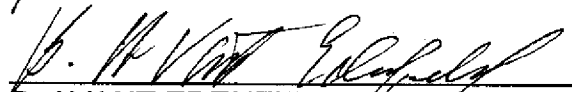
After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. Plaintiff has filed a Response. In their Objections, Defendants assert that Plaintiff has repeatedly lied to this Court and flagrantly abused the judicial process. Defendants refer to this Court's Orders in Shaw v. Smith, Case Number CV603-66, and Shaw v. Smith, CV603-133, to illustrate this point. Defendants also assert that Plaintiff persists in filing frivolous lawsuits, despite this Court's warnings against doing so. Defendants contend that Plaintiff lied in the instant cause of action even though he has been counseled against such activity. Specifically, Defendants allege that Plaintiff lied in his affidavit of poverty when he stated that he received no money from any source within the past twelve months. Defendants aver that Plaintiff received money on six (6) occasions for a total of nearly \$100.00. Defendants assert that Plaintiff also lied in response to the question of whether he has brought any other lawsuit in federal court dealing with facts other than those involved in the instant cause of action. Defendants contend that, despite Plaintiff's actions, the Magistrate

Judge failed to address this ground of their Motion to Dismiss. Defendants ask the undersigned to dismiss the instant cause of action based on Plaintiff's conduct.

The Court is well aware of the history of Plaintiff's filings. The Court is also aware of Defendants' diligence in trying to have the instant cause of action dismissed. However, Plaintiff cured any deficiencies in his Complaint when he filed a Motion to Amend his Complaint to include his history of filings and his receipt of funds in the last twelve months. The Magistrate Judge granted Plaintiff's Motion by Order dated March 27, 2006. (Doc. No. 88.) The Court has placed Plaintiff on its "28 U.S.C. § 1915(g)-plus" watch list, which will help ensure that Plaintiff cannot file any lawsuits in the future prior to paying the full filing fee, absent a showing of "imminent danger." However, Plaintiff's status on this list based on an Order entered upon the docket of another cause of action after he filed the instant action will not bar Plaintiff's cause of action based on the grounds set forth by Defendants.

The Report and Recommendation of the Magistrate Judge, as supplemented herein, is adopted as the opinion of the Court. Defendants' Motion to Dismiss (Doc. No. 62) is **DENIED.**

SO ORDERED, this 11 day of April, 2006.


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA